

# Illinois Department of Natural Resources

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www.dnr.illinois.gov

Bruce Rauner, Governor  
Wayne A. Rosenthal, Director

## **Authorization for Incidental Take and Implementing Agreement**

Pursuant to the Illinois Endangered Species Protection Act (Act) (520 ILCS 10/5.5) and the regulations adopted to implement the Act (17 Ill. Adm. Code 1080), authorization is hereby granted to Centennial Park Subdivision, LLC (hereby referred to as CPS), for the incidental take of Franklin's ground squirrel (*Poliocitellus franklinii*). The Illinois Department of Natural Resources (hereinafter referred to as Department) has determined that this taking is incidental to activities associated with the development and expansion of the Centennial Park Subdivision located south of West Iles Avenue, west of Lenhart Road, off of Hedley Road within the City of Springfield, Sangamon County.

### **Procedural History**

The Department received a Conservation Plan prepared by CPS on March 8, 2016. On March 16, 2016, the Department requested additional information from CPS to make the conservation plan complete. That additional information was received by the Department on March 29, 2016. A revised and approved public notice was received on April 11, 2016. The public notice period will be detailed under #6 of the Compliance section below.

### **Compliance with the Illinois Endangered Species Protection Act**

The Act includes six criteria which must be satisfied for the authorization of incidental take of endangered or threatened species. These criteria and the Department's determination for each are listed below.

1. The taking will not be the purpose of, but will only be incidental to, the carrying out of an otherwise lawful activity:

The stated and apparent purpose of this proposed action is the development of the 6<sup>th</sup> Addition of the Centennial Park Subdivision in Sangamon County. The intent of this development is to subdivide the six (6) acres into twenty-one (21) residential building sites to be offered for sale. The proposed construction will include the installation of a drainage swale and sump pump pipelines, subdividing land, grading and paving streets, installation of concrete curbs and sidewalks, installation of sewer and water lines, and installation of electrical service. The proposed activities may result in noise, vibration, habitat alteration and fragmentation, increased traffic disturbances to Franklin's ground squirrels, and increased possibility of injury or death to squirrels. The total area of ground disturbance is estimated to be six (6) acres. There is an estimated **six (6) acres** of suitable dispersal and foraging habitat for Franklin's ground squirrel at the project site, all of which is anticipated to be affected by construction activities. The take of Franklin's

ground squirrel that could result from these activities is not the purpose of CPS's project, but is incidental to the carrying out of an otherwise lawful activity.

2. The parties to the conservation plan will, to the maximum extent practicable, minimize and mitigate the impact caused by the taking:

Proposed minimization and mitigation measures were included in CPS's conservation plan.

To meet the "maximum extent practicable" standard, additional minimization and/or mitigation measures may be required beyond those proposed by CPS, based on the life history needs of the Franklin's ground squirrel. **All required minimization and mitigation measures are presented under the Authorization section below.**

3. The parties to the conservation plan will ensure that adequate funding for the conservation plan will be provided:

CPS states that all funding needed to support and implement the Conservation Plan will be provided within their ongoing loan from Bank of Springfield.

It is the Department's opinion that CPS's stated commitment to funding their proposed minimization and mitigation measures is sufficient to satisfy this criterion.

4. Based on the best available scientific data, the Department has determined that the taking will not reduce the likelihood of survival or recovery of the endangered species or threatened species in the wild within the State of Illinois, the biotic community of which the species is a part, or the habitat essential to the species' existence in Illinois:

Franklin's ground squirrels are fossorial mammals that spend 90 percent of their lives underground in burrows. Burrow systems may be extensive with multiple entrance holes. They are usually constructed on a sloped landscape, such as a berm or embankment, to facilitate drainage and prevent flooding. Franklin's ground squirrels typically hibernate in their burrow from September to April. They emerge from hibernation in late April or early May. Once out of hibernation, they actively forage aboveground during the day and return to their burrows at night. Litters of 6-9 pups are born in the burrows from late May to mid-June, after which the juveniles can also be seen aboveground. Adults may go back into hibernation as early as July, while the juveniles will remain active until late September or October. During the early fall, juvenile males will typically disperse to a different population or may attempt to colonize new areas.

The Franklin's ground squirrel is listed as a threatened species in Illinois because of a reduction in abundance and geographic range. Historically, the species was known from many locations in the northern two-thirds of Illinois. The species' range suggests that it is tied to tallgrass prairie, but it is often found at habitat edges between grasslands and woodlands, forests, thickets and wetlands. Most recent records in Illinois are from railroad corridors, fence rows, and roadsides. In Illinois, it has been found that cover of

smooth brome (*Bromus inermis*) is positively related to the presence of Franklin's ground squirrels. Franklin's ground squirrels will not use mowed areas.

The Illinois Natural Heritage Database includes 18 element occurrence records for Franklin's ground squirrel that are classified as extant. Those occurrences are at scattered locations in 13 counties, from Effingham County in south-central Illinois to Cook and DuPage counties in the northeast. A lack of recent records from west-central and northwest Illinois, where historical records do exist, reinforces the conclusion that the species has experienced a reduction in range. The largest population of Franklin's ground squirrels in Sangamon County is along the Sangamon Valley Trail, which borders the Centennial Park Subdivision.

The Department has previously granted six (6) authorizations for incidental take of Franklin's ground squirrels. Previous authorizations were for a pipeline project, two trail projects, the construction of government and commercial buildings, and an electric transmission project. Previous authorizations have required that the project site be surrounded by silt fencing to preclude entry of Franklin's ground squirrels, as well as trapping and relocation of squirrels within the fenced project site to other areas of suitable habitat. Habitat restoration and follow-up monitoring of habitat conditions have been required. Compensatory mitigation to bring conservation benefit to the species has occurred. This is the fourth authorization to be granted for Franklin's ground squirrels in Sangamon County.

The Franklin's ground squirrel population occupying Centennial Park and the neighboring Sangamon Valley Trail has been extensively monitored by researchers at University of Illinois-Springfield (UIS) since 2011. The researchers from UIS are currently actively monitoring the Franklin's ground squirrel population year-round and have provided the Department with information regarding this population of squirrels, including specific burrow locations and areas used for foraging and other daily activities. Known burrow locations exist directly south of the project area and along the stream corridor along the west and northwest boundaries of the proposed development.

CPS has estimated that this project has the potential to take between two and ten Franklin's ground squirrels, although the potential take of young in the burrow exists and may not be predictable. Take could occur through construction activities that penetrate an occupied burrow, through the event of a burrow collapsing under the weight of construction equipment, or through running over animals on the ground surface. Additional temporary disturbance or dispersal of Franklin's ground squirrels may occur because of movement of equipment which will create noise and vibrations.

Based on the life history needs of the species, the number of known element occurrence records in the State, an assessment of the potential impact to individuals that make up the element occurrences in the project footprint, the conservation measures outlined herein, and the understanding that vulnerability and recovery information on the species remains limited; it is the conclusion of the Department that the taking anticipated as a result of the project will not reduce the likelihood of survival or recovery of the Franklin's ground

squirrel in the wild within the State of Illinois, the biotic community of which the species is a part, or the habitat essential to the species' existence in Illinois.

5. Any measures required under Section 5.5(b)(6) of the Act will be performed:

These measures are listed below under "Authorization." This authorization is, by definition, subject to those terms and conditions and the signature of a representative of CPS indicates an acceptance of and commitment to performing those measures.

6. The public has received notice of the application and has had the opportunity to comment before the Department made any decision regarding the application:

Public notice of CPS's request for authorization of incidental take was published in the *Breeze-Courier* (official State newspaper) on April 21, 2016. The notice was also published in the *Illinois Times* on April 21, 28, and May 5, 2016. The closing date for public comments was June 5, 2016. No comments were received from the public.

#### Authorization

It is the determination of the Department that the measures to be implemented by CPS will adequately minimize and mitigate the anticipated taking of Franklin's ground squirrels as a result of activities associated with the construction of the 6<sup>th</sup> Addition of the Centennial Park Subdivision in Sangamon County, Illinois. Further, the Department has concluded that the take authorized herein will not reduce the likelihood of survival or recovery of Franklin's ground squirrels in the wild within the State of Illinois, the biotic community of which the species is a part, or the habitat essential to the species' existence in Illinois.

All terms and conditions included in the aforementioned conservation plan submitted by CPS to the Department are incorporated into this agreement by reference and are made a part thereof.

Pursuant to Section 5.5 of the Illinois Endangered Species Protection Act [520 ILCS 10/5.5] and the Administrative Rules for the Incidental Taking of Endangered and Threatened Species [Ill. Adm. Code 1080.40(b)], this authorization is issued subject to the following terms and conditions, which may include additions or modifications to the minimization and mitigation measures proposed by the applicant in the conservation plan:

1. This authorization is effective upon the signature of the Department and shall remain in effect for a period of **five (5) years** from the date of the Department signature, unless terminated by written agreement of both parties.

This authorization may be revoked pursuant to the Act and Ill. Adm. Code 1080.80(b) if the Department finds that CPS has failed to comply with any of these terms and conditions or has been responsible for the taking of Franklin's ground squirrel beyond that which is incidental to the development of the Centennial Park Subdivision, 6<sup>th</sup> Addition in Sangamon County, Illinois.

2. The effective period of this authorization may be altered by mutual written agreement between CPS and the Department. In this event, the Department shall notify the Illinois Endangered Species Protection Board of such alteration.

Any substantive changes, including but not limited to a change in the project footprint or a change in the State-listed species which could be potentially affected, will require that a new conservation plan be submitted to the Department to initiate the review and public notice process as required by the Act.

3. This authorization is non-transferable.
4. On-site personnel shall be educated on the sensitive biological resources in the area, the identification of Franklin's ground squirrel, regulations protecting the species, where the species might be found, avoidance areas, travel restrictions for equipment and vehicles, how to report sightings or incidents that may involve take, and the importance of avoiding take of the species. CPS shall submit a copy of the contractor education materials to the Department.

Due to the proximity of numerous residential landowners, CPS shall create an educational sheet notifying homeowners of the presence of the species, regulations protecting the species, life history information including suitable habitat descriptions and behaviors by time of year (i.e. juveniles emerging, dispersing, adults entering hibernation, juveniles entering hibernation, etc.), and tips for supporting the species (i.e. plant short grass prairie species, do not mow, do not disturb burrows, etc.) This information shall also be shared with homeowners in all past Centennial Park Subdivision residences that share boundaries with the Springfield Park District's Centennial Park. CPS shall submit a copy of the homeowner education sheet to the Department.

5. The Department reserves the right of entry to inspect potential habitat and species management practices.
6. Biological consultants employed by CPS shall hold the necessary permits for work with non-listed and listed species; these include an Illinois Department of Natural Resources Scientific Collection Permit and an Illinois Department of Natural Resources Endangered Species Permit.
7. CPS shall notify the Department's Endangered Species Program of construction commencement and completion of the Centennial Park Subdivision, 6<sup>th</sup> Addition. The Department shall be informed of any State-listed species sighting and provided location information (photograph and GPS coordinates) within 48 hours of such sighting. The Department shall be notified immediately of the discovery of dead specimens and will provide guidance on preservation and disposition.

8. CPS shall conduct, or cause to be conducted, the following pre-construction or during-construction efforts:
  - a. CPS shall limit construction activities along the south property line to the extent possible. It is understood that work in the rear yard to the south will include the excavation of a drainage swale and installation of pipe.
  - b. Silt fencing shall be installed to buffer the conservation zones (along south boundary line and along stream corridor forming west and north boundary) from the construction area and exclude Franklin's ground squirrels. The fencing shall be dug into the soil no less than 6 inches and subject to daily inspection and maintenance.
  - c. Activities described under (a.) and (b.) above are the only times that heavy equipment shall be within 20 feet of the south permanent conservation zone described below.
  - d. No stockpiling of soil shall occur during the Franklin's ground squirrel's active season (April through September) due to potential colonization by Franklin's ground squirrels.
9. **Within 60 days of construction completion**, CPS shall provide the Department with a project status report summarizing the implementation of minimization, mitigation, and restoration measures and evaluating the effectiveness of those measures. If any Franklin's ground squirrels were encountered during the project, this report shall also include a map of where the species were found, a description of any injuries or mortalities, and the disposition of any individuals that were injured or killed.
10. CPS shall conduct, or cause to be conducted, the following post-construction surveys efforts during the second and third years after construction is completed:
  - a. During the second year after construction completion: A visual survey for Franklin's ground squirrel burrows within the designated conservation zones and the surrounding project area shall be conducted by a qualified biologist. Surveyor(s) should make note of whether each burrow shows sign of recent use by Franklin's ground squirrels. The visual survey shall occur during **early spring** when the burrows are more easily seen due to less vegetative cover. **A report containing GPS locations of burrows, photographs, and potential occupancy observations shall be provided within 60 days of the survey effort.**
  - b. During the third year after construction completion: A four-day trapping survey shall be conducted by a qualified biologist along the constructed berm area to determine presence or absence of squirrels. Traps shall be operated from 9 AM to 4 PM daily and shall be checked at intervals not to exceed two hours. Outside of the trapping hours specified above, traps shall be removed or rendered inoperable. Any captured squirrels will be documented and marked for purposes of population estimation. Personnel conducting the trapping effort shall also be approved in advance by the Department and hold all required permits. The trapping effort shall take place during the month of **July**, the peak of Franklin's ground squirrel aboveground activity. **A report**

on the trapping and survey effort shall be provided to the Department within 60 days of survey completion.

11. As mitigation, CPS decreased the subdivision development by three (3) lots allowing for increased habitat area along the west and north boundary of the project. CPS shall deed the southern 15 feet of the 6<sup>th</sup> Addition (0.38 acres) to a third party as part of a restrictive covenant declaring the area a permanent conservation zone. This area shall be managed as Franklin's ground squirrel habitat. Existing trees may remain in place. All future saplings shall be cut followed by targeted cut-surface application of herbicide – please reference recommended plant species-specific chemical formulations and timing in the Illinois Nature Preserves Commission Vegetation Management Guidelines found here: <http://www.dnr.illinois.gov/INPC/Pages/INPCManagementGuidelines.aspx>. Smooth brome seed shall be broadcast in early spring or fall. Non-native, invasive plant species, except smooth brome, shall be controlled utilizing same guidelines. These areas shall not be subject to mowing. Boundary signs shall be erected every two-hundred (200) feet to convey the mowing restriction. **The executed restrictive covenant including the habitat management guidance above and a copy of the recorded final plat shall be submitted to the Department within two (2) weeks of said documents being recorded.**

CPS shall designate the stream corridor within their ownership along the west and north boundary of the property (1.41 acres) as a permanent conservation zone in the recorded final plat, which shall not be disturbed by construction or future homeowners. This area shall be protected as Franklin's ground squirrel habitat. **A copy of the recorded final plat identifying this permanent conservation zone shall be submitted to the Department within two (2) weeks of said documents being recorded.**

Mitigation valuations are based on the Department's best current understanding of the species life history needs, real estate values, and impact analysis relevant to the project site's proposed conceptual design elements available at the time of review.

12. All reports and other documentation required by this authorization shall be submitted to:

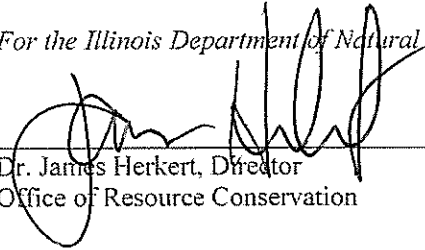
Illinois Department of Natural Resources  
Endangered Species Program  
Incidental Take Authorization Coordinator  
One Natural Resources Way  
Springfield, IL 62702-1271

(217)557-8243  
DNR.ITAcoordinator@illinois.gov

The Department's Endangered Species Program shall provide all reports required under this agreement to the Illinois Endangered Species Protection Board and to the Department's Natural Heritage Database.

13. The CPS official identified below is authorized to execute this agreement. Execution by CPS indicates acceptance of all terms and conditions described by this authorization.

*For the Illinois Department of Natural Resources:*

  
\_\_\_\_\_  
Dr. James Herkert, Director  
Office of Resource Conservation

*For Centennial Park Subdivision, LLC:*

  
\_\_\_\_\_  
Mr. Robert Giacomini, Partner

Robert Giacomini  
Printed Name and Title

9-20-16  
Date

9-19-16  
Date